



Lake Morey Conditional Use Moratorium

*Proposed extension to make lake centric amendments to the
Fairlee Unified Development Bylaw*

Photo credit: Arlene Guest

Why We Adopted The Moratorium

- Use patterns are changing, camps are becoming year-round dwellings
- Land values are driving the replacement of older camps
- Existing wastewater systems are inadequate to handle nutrients
- Density and intensity of use is exceeding capacities



The covid epidemic has accelerated the trend toward year-round use of what had been seasonal dwellings, but also the marketing of seasonal dwellings as short-term rentals has increased the intensity of use and the duration of occupancy. Land values for lakeside properties has incentivized the replacement of older camps usually with far larger structures that can be used to house more people. Current state wastewater regulations and septic designs are concerned with pathogens and not nutrient loads, the nitrates and phosphates feed cyanobacteria blooms. We are loving the lake to death and exceeding its ability to support the density and intensity of use.

What About Lake Fairlee?

- Historic settlement patterns around Lake Fairlee have resulted in larger lots, lower density and less intensity of use
- Most lots and structures are conforming and do not require conditional use permits for development
- While Lake Fairlee has its own issues and problems, they have a different solution set than confronting Lake Morey

The lots around Lake Fairlee tend to be much larger than the lots around Lake Morey with less crowding of dwellings, fewer dwellings results in lower density and a smaller population on the lakeshore. Septic systems likewise are located farther from the lake.

Almost every lot around Lake Morey is an existing compliant non-conformity in terms of lot size and structure setbacks, as a result very few projects can take place on Lake Morey without a Conditional Use Permit approved by the Town of Fairlee Development Review Board and the state Shoreline Protection permitting process. Lake Fairlee is not free of problems, but they are of a different nature and will require different solutions.

How The Moratorium Worked

- The expansion of any non-conforming structure or the conversion of a seasonal dwelling to year-round requires a conditional use permit approved by the Development Review Board
- Most of the dwellings around Lake Morey, seasonal and year-round, are non-conforming
- By restricting the Development Review Board from issuing conditional use permits most construction stopped along with all conversions

Structures can be non-conforming due to not meeting the setbacks, the distance between the property lines and the building, required in the Lake Area district. The required setbacks for the Lake Area are 50' from the center of the road, 50' from the lakeshore, and 15' from the side property lines, Lake Morey is a community of non-conforming houses.

Without a conditional use permit there was no way to move forward with projects, the two construction projects currently underway on the West side of the lake obtained permits before the moratorium went into effect.

Why Is Lake Morey Sustainability Important?

- Lake Morey properties add almost 85 million dollars to the Grand List which amounts to 40% of the total value
- Total property taxes paid by Lake Morey properties thus far were almost 2 million dollars in 2022, 38% of property taxes paid.
- The Resort and the Aloha Camps along with our seasonal residents are huge economic drivers for the rest of the Town's economy

For the size of the lake shore neighborhood Lake Morey properties represent a huge value-added asset to the grand list.

For an area that is less than 15% of the total for the Town of Fairlee this represents a large amount of revenue at risk.

Fairlee is able to support an outsized village economy due to the employment generated by the resort and the camps, visitors drawn to the town, and spending by our seasonal residents.

Lake Morey Is An Urban Lakefront

- The Lake Morey neighborhood is the most densely developed in the Town of Fairlee
- There are large stretches where not only are typical suburban densities met but exceeded
- Most of this density is supported without urban infrastructure

Because the eye is fooled by the linear arrangement of both the lots and the dwellings around the lakeshore the true density of the neighborhood doesn't register. Sections of the lake are so densely developed that they are comparable to urban densities in single family dwelling neighborhoods.

Other than stretches of the lake shore neighborhood on the water system, the resort and camps on institutional wastewater systems, and the community system at Bonnie Oaks most lots must do water supply and wastewater disposal on the lot.

There Are Other Issues But The Town Has Limited Jurisdiction

- Lake Morey is considered state waters, what rulemaking power the Town has ends at the water's edge
- We can control added density through zoning
- We can regulate expansions of non-conformities through conditional use provisions
- We can regulate commercial uses of seasonal and year-round dwellings through zoning and ordinances

The Program Plan For Moratorium Extension

- The Conditional Use Moratorium will be extended for not more than one calendar year
- The Planning Commission shall draft proposed amendments to conditional use provisions and standards by the end of 2022
- The Aloha Foundation will be remapped as Lake Shore Resort to further segregate commercial/institutional uses from Lake Area residential ones
- Planning Commission will hold the required public hearing before the end of January and submit the proposed language to the Selectboard
- The Selectboard will hold its required public hearing, adopt the amendments as an interim and end the Moratorium by the beginning of Spring

We have arrived at a program and timeline for our next steps.

By state law the moratorium cannot be extended past one year and would sunset in any event.

The process requires a public hearing on the proposed language held by the Planning Commission which will then submit the draft and a report to the Selectboard.

The Selectboard will then schedule a public hearing of its own not less than 120 days after the report, but it is the intention to expedite the process within legal limits.

Upon the adoption of the interim language the moratorium will be repealed early.

The interim will become permanent upon adoption by the voters.

What Will The Amendments Tackle?

- Conditional Use standards will be tied explicitly to septic permits and documentation
- Short term rentals will require permitting and meet standards
- Limits will be placed on the expansion of non-conforming dwellings
- Legacy exemptions will no longer apply to septic systems in regard to new construction



Questions?

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